SESSION 1849-50. SENATE.

SATURDAY, January 5. Petitions were presented by Messrs Adams, Hendricks, Morgan, Houghton and Malott, which were referred to the appropriate committees without reading.

Reports of Committees. By Mr Hardin, that the bill to attach a part of the county of Delaware to the county of Blackford be indefinitely por poned : report not concurred in-aves 12, noes 28

And the question being on the engrossment of the bill, the bill was ordered to be engressed and read a third time on to-Mr Millikin reported a bill for the temporary relief of the poor of Dearborn county ; read a first time.

Mr James reported a bill to amend the charter of the city of Evansville; read a first time. Mr Cassatt reported back a bill to amend the road laws so far as relates to the county of Wabash; read third time and

Mr Hamrick reported a bill to organise a new county out of the counties of Parke, Fountain and Putnam; read a first Mr Ellis, from the committee on Manufactures, reported a joint resolution on the subject of a grant of land for a geolegical survey of the State of Indiana; read first time, rules suspended, and the joint resolution read a second and third

times and passed. Mr McCarty reported a bill to donate lot No. 9, in block No. 147, in the city of Indianapolis, to a fire company therein named; read a first time.

Mr Evans, from the committee on State Prison, reported a bill imposing additional duties on the Warden of the State Prison ; read a first time. On motion of Mr Berry, the vote refusing to print 500

copies of the report of Mr Reid of U., on the subject of the repeal of the black laws, was reconsidered; and the question being on printing the report, Mr Hardin moved to strike out 500 and insert 200;

And the question being on printing 200 copies, it was ordered-ayes 25, noes 15. Me Houghton reported back the bill making additional appropriations on the New Albany and Vincennes road, for the year 1850; read a second time, rules suspended, and the

bill read a third time and passed.

Mr Hamrick, on leave, introduced a bill to incorporate the Northwestern Christian University; read twice and referred to a select committee. Mr Harvey, on leave, introduced a bill to extend the benents of a certain act therein named; read a first time.

Mr Morgan, on leave, introduced a bill to amend the laws relative to the retailing of spirituous liquors in certain counties therein named ; read a first time Mr Hubbard, ou leave, introduced a bill to authorise the construction of a ratified from Rushville to Lewisville, in

Henry county; read a first time.

Mr Hendricks, on leave, introduced a joint resolution au thorising each of the benevolent institutions of the State to have a copy of the local and general laws, and the Revised Statutes of 1843; read three times and passed. Mr Odell, on leave, introduced a bill to puni-h misdemean-

ors in Tipperance county; read twice and referred to the committee on the Judiciary.

Mr Berry, on leave, introduced a bill to incorporate the Brookville railroad company ; read twice and referred to the committee on Corporations.

Mr Odell, on leave, introduced a bill to incorporate the

Lafavette monumental association: read a first time. Messes Randall, Woods, Houghton and Dawson, from committees, reported back bills on their second reading, which were recommitted or passed to a third reading.

Senate adjourned. AFTERNOON SESSION.

The Senate met. Mr James, on leave, introduced a bill to incorporate the Ohio River and Princeton plank road company; read twice and referred to the committee on Corporations. Mr Garver on leave introduced a bill to locate a State

road in the counties of Tipton and Clinton; read twice. Mr Ellis, on leave, introduced a bill to encourage the investment of capital for manufacturing purposes; read twice and referred to the committee on Manufactures. Mr Reid of U., on leave introduced a bill to amend section 85, chapter 47, of the Revised Statutes of 1843; read twice and referred to the committee on the Judiciary. Mr Garver, on leave, introduced a bill to repeal a certain

act therein named ; read twice and referred to the committee on the Judiciary.

Mr Hendricks, on leave, introduced a bill to authorise courts of chancery to aid courts of law, in enforcing judgments in certain cases; read twice and referred to the com

mittee on the Judiciary. Mr Allen, on leave, introduced a bill to incorporate the Crawfordsville and Frankfort plank road company; read twice and referred to the committee on Corporations. Mr Millikin, on leave, introduced a bill to prevent the consolidation of indictments in Dearborn county, for selling

liquor : read a first time. Mr Holloway, on leave, introduced a bill to incorporate the Richmond and Liberty turnpike company; read twice and referred to the committee on Corporations. Mr Hendricks, on leave, introduced a bill to amend the charters of several turnpike roads therein named ; read twice

and referred to the committee on Corporations. Mr Hendricks, on leave, introduced a bill to incorporate the Jefferson historical society; read twice and referred to the committee on Corporations. House bill to dispose of the equity of redemption of the State of Indiana, in the White Water Valley Canal, and for

other purposes, was taken up and read a first time, rules suspended, and the bill read a second time. Mr Berry offered the following amendment:

Sec. -. It shall be the duty of the purchaser or chasers of said canal, to cause to be placed at the head of the canal at Cambridge City, and at the terminus at Lawresceburgh, good and substantial stones, at least six feet in height above the ground, upon which shall be graven the date of the act authorising its construction, the amount expended by the State upon said work, the date of the act selling the work, the time it was sold, and what amount was received therefor; and it is hereby made the duty of the Auditor of State to furnish to said purchaser or purchasers, the facts necessary to enable him or them to comply with the provisions of this section.

The ayes and noes were demanded by two Senators. Those who voted in the affirmative are, Messrs Adams, Berry, Buckles, Cornett, Dawson, Eddy, Guver, Hanna, Huffstetter, Lyon, Malott, Miller, Morrison,

Reid of U., Slee h, and Winstandley-16. Those who voted in the negative are. Messrs Allen, Brugh, Cassatt, Day, Dole, Ellis, English, Evans, Harvey, Hendricks, Herod, Holloway, Houghton, Hubbard, James, Kinnard, McCarty, Millikin, Montgomery, Morgan, Odell, Porter, Randall, Read of C., Rousseau, Tecgarden, Walker, Walprie and Woods-29.

So the amendment was not adopted. Mr Harna moved to further amend the bill. Mr Millikin moved the previous question, which was seconded, and the Senate determined to have the main ques-tion put now; and the bill was ordered to be engressed and read a third time on Monday next-ayes 29, noes 15. On motion of Mr Millikin, the rules were suspended and the bill read a third time and passed-ayes 28, noes 18.

On motion, the Senate adjourned. HOUSE OF REPRESENTATIVES.

SATURDAY, Jan. 6, 1849. [In a notice of Mr. Hicks's report, in yesterday's proceedings, on the bill providing for an election of county assessors, &c. it is stated, amongst other things, that the amendment requires tax-payers to make oath of their property; which is acortect. This was a provision of the original bill, and was left out in the amendment, leaving the law as at present, on that subject.] Homestead Exemption.

The House according to a special order, took up the bill exempting home-tends from execution—providing for the ex-emption of \$500 worth of real estate from execution. Mr. Harney said-Mu. Speaken; If we are to premise from the past

action on this bill what will be its future destiny, we have every reason to predict its final passage. Were I in the affirmative, I should leave its future effects to explain my vote, but as it is, I feel called upon to explain my reasons for opposing it.

I am opposed to it because it is contrary to the structure of society, and liable to abuses that will mortify even its best friends. It is said to be for the benefit of the poor debtor against the oppression of the rich creditor. Such cannot be the case. Its effect will be to the prejudice of time, on execution. the poor citizen. According to the present customs of so-ciety, property has a two-fold value. The first, or its intrinsic value, is from its actual products. The second is, that you can make it a stock in trade, from which as a basis you can derive a profit. Now the effect of this bill upon the poor man's property is to destroy this secondary value. A man that is worth two thousand dollars, has \$1,500 which stands good for all of his liabilities, and virtually answers him all the purposes of capital, while the man that is only worth \$500 has nothing on which to obtain a credit. Think you that he can see this advantage taken from him without murmuring? It is said this will have the effect to destroy the credit system. If that is the object why it to one as well as the other ! Why give it to the rich and deny it to the poor ! Is the one more capable of managing his large estates than the other is his little investments? It is said that if he is honest his credit will not be injured, but that he will pay any how. So say we. Do we then legislate for the dishonest? If not why tempt them to be so, or force them to act so by

the dishonorable action of others? You say this act is for the poor man. Then it is presumed that each one will avail himself of its privileges. This will be the inference. Now sir, if I own a little homestead and nothing more, could I ask a richer neighbor for assistance without blushing? for by this act I have said that I will not hold myself liable for the debt. This is an attitude in which I do not wish to be placed, and as one for whose benefit this law may be made. I scorn the relief which it proposes. I would rather be worth only the clothes that I wear and preserve a character for probity and honesty, than have the pitiful sum of five hundred dollars which I felt in part belonged to my creditors. As society now is, we are all more or less debtors and creditors—the poor and the rich-one man being unwilling to pay hilehts, makes others unable to discharge theirs. And it often happens that the best of men, from a delicate sense of honor, are brought to want from a fraudulency in their debtors, as well as from the oppression of their creditors.

Too much legislation for either of these classes injure the same. The bankrupt law is proof to the point. Let there be fair reciprocity in trade, and no unequal laws-the weak protected and the strong restricted. The effect of this law would be in favor of money lenders-furnishing a pretext for covering every loan to the poor man with a mortgage on his homestead. This would most certainly fellow, besides other abuses that have been complained of by those

States that have adopted it. These arguments force me to the conclusion that the law can be of no benefit to the man that is now poor. It can only meet the case of the broken down speculators and public-work contractors,-men that have moved in the high circles of life, but have become foundered and broken down in their ambitious schemes and speculations. These are the ones that appear to have our sympathy. This I will admit is in accordance with the past history of mankind. One man that may have been great and has fallen receives more sympathy than thousands that may have always remained poor and destitute, and have never risen up to the common level. I cannot see why a law should be passed for their benefit alone, when it has an injurious bearing upon all others.

In proof that the law is not fair in its operations, why does the State reserve the right to sell the sacred homes'ead for taxes? Are her claims more meritorious than the man that has labored for fifty cents per day, or furnishes him with the necessaries of life? If others must wait and trust the man's honesty, why not the State do the same.

and not practise the oppression she condemns. I may be wrong in some conclusions; but it is certain we will lose nothing by delaying a while. Let us wait and get farther instructions from the people, examine its effect upon the states that have adopted it, consider well who will be benefitted and who injured; and I am convinced we will give better satisfaction than we could by hasty and imperfect legislation upon a subject of such im-

Mr. Orr moved to amend, so that five bundred dollars worth of personal property shall be exempted. Mr. Or contended, that the bill, as it stood, would not benefit the poor man, and his legislation should always be

in favor of this class of individuals. Mr. Lane favored the amendment, contending, at the same time, that he doubted whether the time had yet come, when aestead bill should be passed. Mr. Dodd said, the mover of the amendment mistook the

object of the bil. It was not a bill to benefit solely the debtor, not simply to enable any class to escape the payment of their debts, nor to exempt property from execution beof the bill was to prevent the lands in this State from passing'into the tands of a few men,-to remain in the hands of, and to make homes for the many.

The argument that it would make two classes of landholders and tenants, could not be sustained; the effect of the bill would be to make every man a land owner. If the amendment prevailed, the effect would be to make men careless of owning land, and there would be less inducement for them to acquire a home to leave their children. The princi-ple of Home-tead exemption was to make every man a land owner, this was why he was in favor of it, though he did not believe that the time left to this session would such fice to perfect a bill.

The question was agitated and urged during the last year as one to be submitted to the Couvention, which would meet to revise the Constitution of the State, and though he was a strong friend to the p inciple of Homestead exemption, he thought it had better be deferred until the meeting of that

Mr. Graves supported the bill, and opposed the amendment because the two subjects should not be embraced in one bill. He was in favor of exempting personal property from execution; but did not wish to embarrass this bill with that provision. He believed that this bill would benefit the more honest portion of citizens. He would rather trust a man, who had forty acres of land exempt from execution, than men who had larger possessions, and who might at any time make a secret conveyance. He was in favor of giving every man a home, which could not be taken from him-which no sharper would be able to wrest from his hands. It would make better citizens, more honest men, and men venerating more dearly our cherished institutions.

Mr. Dougherty of B. took the ground, that all persons should stand on an equality. The mechanic, whose all is invested in his implements of trade, is equally entitled to have \$500 exempted, as the man who owns forty broad acres of land. In opposition to the bill he said, that it even repealed the law exempting one hundred and twenty dollars worth of personal property from execution, as well as all apprasement laws. He might possibly be mistaken in the provision of the bill repealing the exemption of \$125 worth of property; but it was at least ambiguous. But be that as it may, it made no difference. He asked, how would members like to go home to their constituents, after passing this bill and be told that one man with his forty acres and comfortable dwelling had his property exempted, while his neighbor's personal effects must be sold to the last farthing,

leaving him pennyless, on the cold charities of the world? Mr. Niblack thought this bill should be deferred until after the Convention. He was, in principle, in favor of a home-stead exemption; but the bill was not such an one as he would be glad to support. The bill did make an invidious distinction, and, if the subject is to be urged, at this time, he would feel bound to go for the amendment, believing, at the same time, that the subject should be deferred.

Mr. Brown of R. contended that the amendment would

destroy the bill. This bill should stand disconnected from all other exemptions, which might be made in other bills. The ojbect of this bill was to encourage men to possess themselves of freeholds, which would make them better citizens. He was surprised at the quarter from which opposition arose against this bill. He had thought that a homestead exemption had become a part of the Democratic creed. It was not only the Democratic creed of the present day, but it was the doctrine of Jefferson more than forty years ago, when he contended that every citizen should have a freehold that could not be taken from him. He denied, that the tendency this bill would be to encourage mortgage. No mortgage can be given without the consent and signature of the wife. He denied that it would injure the poor man. The new States that had taken a stand for a law of this kind, were not viewed in this light. He thought it would be unwise to delay until after the Convention. The bill ought to be passed, that its defects might be investigated at the Convention. Mr. Brown of S. was opposed to the bill, because he believed it was in opposition to the old fashioned doctrine of the Democratic party, that we should not legislate exclusively for the rich.

Mr. Goodwin supported the amendment, because he be-lieved the bill sepended the one hundred and twenty-five dol-

lar exemption, and would operate unequally. Mr. Alley denied that this bill, as it stood, was such a democratic measure as the gentleman from Randolph (Mr. Brown) contended. He appeared to think, that he had made a great discovery, and held up his bill as the great Demoeratic measure of the age; and what is it? a bill to protect the landholder, while the mechanic and others holding no such possessions were left entirely unprotected. These were promised protection after awhile. For his part he wished all protected. The bill without the amendment, would be a putrid mass of corruption, in his Democratic eye.

Mr Dougherty of E. was in favor of a homestead exemption; but would never vote for a bill unless all were protected. The men that owned no real property in Indiana were not few in number, and were as liable to the storms of adversity as others. He would therefore support the amendment, and believed no bill could pass without it. With regard to the general principles of the bill, he remarked that the States west of us had such protection to property, and our policy should not be such as to drive population beyond our borders. A bill of this kind should pass, because surrounded as we are by the credit and paper system of the age we are liable to frequent fluctuations, and we should guard the people against such disasters.

Mr. Stone opposed the whole bill. It had been conter ded that it would stop the credit system. This he denied for under the competition in business, in this country, credit would always be obtained; for if one denied, another would always he ready to give credit. Our country was different from Europe, where the rich are born so, or where if born poor, they must remain poor all their lives. Here the spirit of industry and enterprise was a sufficient proection. Being related to the Friends he would speak right out. He believed the State had been legislating long enough for the debtors; the legislation should now take place in favor of the creditors, by abolishing the relief and appraisement laws. He had been a justice of the peace for five years, and had seen but very little money collected

of so- Mr. Orr withdrew his amendment, and offered a m fication, so that persons not holding real estate, should have \$500 worth of personal property exempted, if, at the posessed of that amount.

Mr. Orr supported his amendment, and contended that the bill repealed the present exemption of \$125, and was truly a whited sepulchre. With the smendment, he would most cheerfully support the bill. He decied that it was exclusively a democratic measure.

Mr. Carnahan of P , opposed the amendment as a clog to the bill. He believed it was the intention of some its friends to break down the bill. The bill was to enable persons to procure a small free-hold, that would be free from execution, and which would enable them under all circumstances, to rear and educate their families-this land could not be easily mortgaged, and the measure if adopted, would be of great benefit both to individuals and to the

Mr. Carnshan of F. also opposed the amendment and supported the bill. He thought it unwise legislation to endeavor to couple every thing together. He saw no consistency in the two measures, and therefore they should not be placed together. The mechanic had been mentioned. The present laws give considerable protection to him. by the operation of liens. The argument of his namesaka from Posey, he considered as unanswerable-that it was the intention of the bill to erable persons to obtain freeholds, by which families could be reared and educated. He denied that this was purely a democratic measureboth parties in his section of the State were in favor of it. Mr. Patterson was in favor of protecting all classes of

citizens and would vote for the amendment and for the bill. Mr. Murray hoped the subject would be postponed until after the coming Convention, as he wished to see a provision incorporated in the Constitution on this subject. He would therefore move that the bill be indefinitely post-

Before the question was taken, on motion the House

AFTERNOON SESSION.

The House resumed the consideration of the bitlexmpling homesteads from execution—the question being on the indefinite postponement of the bill. Mr. Orr moved a call of the House, which was ordered. On motion the call was suspended.

Mr. Miller of M. and F. said, this subject had not been gitated in his District. He would vote against the bill on its final passage; but would vote against an indefinite postponement. He thought the subject should be deferred.

Mr. Withers was in favor of the bill and the amendnent, although he considered they were not entirely perfect; but he still hoped the amendment would be adopted

Mr. Sherrod would vote against the bill. He wished to see the matter settled by the Convention. It was too late in the session to perfect a bill so important

Mr. Holcomb was in favor of the bill and was opposed to the amendment. He considered the amendment as in- ship, Posey county; passed. esistent with the bill, and would operate to defeat it. if adopted. He would rather see gentlemen, like the gentleman from Shetby come out square-toed against the bill.

Mr. Greathouse had not intended to say any thing on this subject. Being a young man, it might be prudent neither to say any thing or even to vote; but when genlemen said, members ought to come out square-toed, it was time for those having any thing to say to come out with their opinions. Then he would say, he was against the bill. In its provisions, taken together, the bill reminded him of the bankrupt law, and so he had told his constituents before his election.

The question was taken on Mr. Orr's amendment exempting \$500 worth of personal property and decided in lo-t-ayes 16, noes 26. the affirmative, ayes 82, noes 16. Mr. Wilson moved to amend by "excepting such leas-es as may have been derived from the State;" which mo-

tion prevniled. Mr. Hillis moved to amend, in relation to liens : laid on the table. Mr. Salter moved that the bill and amendments be laid upon the table; which motion did not prevail, ayes 26,

Mr. Salter then moved that the bill be indefinitely postponed; which motion did not prevail, ayes 24, Mr. Dougherty of Elkhart moved to amend, by striking

out the provision in the bill which allows personal property to be sold at half its appraised value; which was declared out of order. Mr. Defrees moved to amend so that where land claim-

ed as a homestead shall exceed \$500 the whole shall be of a fire engine for the use of the State prison; passed. sold to the highest bidder at any sum over \$500-the five hundred dollars to be returned to the execution defend-Mr. Defrees contended, that unless a provision some

thing like this should be adopted, there would be few cases where there would be any benefit derived. Mr Chandler moved to amend the amendment so that the property shall not be sold for less than one half its appraised value; which was accepted by Mr. Defrees. Mr. Brown of S. said that he saw nothing sensible in the amendment. Suppose said he, property in Indianapo-\$500, and that sum paid over to the judgment debtor, how uch would the creditor be benefitted

The amendment as modified was adopted. Mr. Harney moved to amend, so that each person should have five additional acres for every child &c. not adopted.

Mr. Niblack moved to amend, so that where a judgment debtor shall not have \$500 worth of property the creditor shall make up the amount. Mr. Orr moved the previous question, not seconded-

ayes 47, noes 47. Mr. Niblack's amendment was laid on the table. Mr. Dougherty of B. moved to amend, so that the exemption shall not hold good, where persons are in the act | and Bird; which were referred. of removing goods from one county to another; laid on the table. Mr. Dodd moved to amend, so that after the taking ef- 1850;

fect of the act all valuation and appraisement laws shall be repealed. Mr. Patterson moved the previous question, which motion prevailed, and the question being put, to wit: Shall grossed. the bill be engrossed for a third reading? It was decided Mr. E. in the affirmative, ayes 53, noes 41.

Ayes-Messrs, Allen, Alley, Barker, Beard, Bird, Bowen Brown of R., Burnet, Butler, Carnshan of F., Carnahan of P., Chandler, Cleaver, Conaway, Connor, Cotton, Defrees, Delavan, Dougherty of B., Dougherty of E., Elder, Gentry, Gessie, Goodwin, Graves, Haraey, Holcomb, Huey, Humphreys, Hunter, Keeny, Lane, Mickle, Miller sum was small, and he thought a commencement should be of O., Millikin, Morrison Murray, O'Neal, Orr, Patterson, Robinson of L., Ross, Shelby Shepard, Stoops, Thomas, Warriner, Weaver, Wells, Wilson, Withers, Whinery,

Noes-Messrs. Athon, Brown of S., Byers, Caldwell, Cole, Cravens, Dodd, Edwards, Ellis, Essex, Farnesly, Greathouse, Harney, Hart, Hicks, Hillis, Johnson, Knowlton, Landiss, Leviston, May, Menaugh, Niblack O'Haver, adjutant general; which was concurred in.

Prather, Reed, Richardson, Robinson of D., Rush, Russell, By Mr. Hart, for a road from Warsaw to Plymouth; read Prather, Reed, Richardson, Robinson of D., Rush, Russell, Salter, Sherrod, Spencer, Stewart Stone, Summers, Thom, Tinbrook, Weir, Yocum, and Mr. Speaker,—41, When Mr. Spencer's name was called, he said he was

in favor of the principle of a homestead exemption; but could not vote for this bill on account of its details. Mr. Carnshan of F. presented two petitions on th subject of a division of the counties of Fountain and Warren; which was referred to a select committee. Mr. Chandler presented remoustrances on the same

subject: which were also referred. On motion, the House adjourned.

Monday, January 7. Senate met. Petitions, &c. Presented.

Mr Garver passented a petition for the repeal of the black Mi Garver presented the remonstrance of citizens of Tipton county, against separating the auditor's office from the clerk's; read and referred to a select committee. Mr Kinnard presented a petition relative to a certain was authorized first to settle with the lessees and then to school section therein named; read and referred to a select | sell.

Mr Evant presented a petition on the subject of a State oad; also a petition on the subject of peace; which were referred to select committees. Mr Rousseau presented a remonstrance of citizens of Ow- unfounded. He considered the matter would be so arranged

referred to a select committee. Reports from Standing Committees. Mr Walpole reported back the bill to authorise the Agent State to lease one acre of land to the Indiana Asbury University for the u-e of a medical college; laid on the ta-

By Mr Cornett, that the bill relative to the sale of forfeited school lands, at private sale, be laid on the table ; report not concurred in, and the bill recommitted to a select com-

By Mr Reid of U, that it is inexpedient to legislate on the subject of changing the application of the school funds ; report concurred in. By Mr Hardin, that it is inexpedient to legislate on the subject of relocating a State road in Bartholomew county;

Messes Buckles, Harvey and Morrison, from standing committees, reported back bills on their second reading, which were ordered to be engressed for a third reading. Mr Dole reported back the bill to incorporate the Clinton and Illinois plank road company ; read a second time, rules

su-pended, and the bill sead a third time and passed. Reports from Select Committees. By Mr Adams, a bill to extend the terms of the probate out of Monroe county; read a first time. By Mr Dawson, that House bill relative to the advertisenent of delinquent lands in Steuben county be laid on the Messis Buckles, Montgomery, Hamiick and Dawson, from

select committees, reported back bills on their second reading, which passed to a third reading, Resolutions Introduced. By Mr Morrison, that the Senate will, the House concur ing therein, proceed to the election of Agent of State, and immediately thereafter proceed to the election of three comissioners for the Insane Hospital, on Wednesday at 10

o'clock; adopted. Bills, &c. Introduced. By Mr Read of C., a bill in relation to justices of the peace ; read a first time. By Mr Adams, a bill to incorporate the trustees of the Infiana female normal school; read twice and referred to the

ommittee on Corporations. By Mr Winstandley, a bill to change the names of certain persons therein named ; read a fi.st tin By Mc Berry, a bill for the relief of James Bertenshaw. f Franklin county; read twice and reserred te a select

which would cause a continued bone of contention. He By Mr Reid of U., A bill to preserve the interest of the State of Indiana in the Madi-on and Indianapolis railroad; rend twice and referred to the committee on Finance. By Mr Morgan, a bill to prevent the sale of whiskey, in Wa-hington township. Decatur county, and for other pur-By Mr Adams, a bill to amend the license law, so far as

relates to Mouroe and Brown counties; read a first time. By Mr Sleeth, a bill to incorporate the town of Shelbyville; tead a first time.

By Mr James, a bill to incorporate the Evansville insusance company; read twice and referred to the committee

By Mr Adams, a bill for the relief of Elias Abel of Monroe county; read twice and referred to the committee on the Judiciary.

By M. Hubbard, a bill to incorporate the Rushville and Municie tailroad company; sead twice and seferred to the

By Mr James, a bill to incorporate the Mt. Vernon Insu-

rance company; read twice and referred to the committee

By M. Garver, a bill for the telief of John Fryberger and William Bradley; read twice and referred to the com-By Mr Walpole, a bill fixing the location of the Green-field and Franklin State road, in the counties of Hancock and shelby ; read three times and passed.

By Mr Walpsie, a bill to incorporate the town of Troy, in Perry county; read twice and referred to the committee Mr Monigomery, on leave, from a select committee, reand Krie canal to earry out the obvious intent and meaning of the contract entered into between the State of Indiana rollroad companies would become so entangled that their and her boudholders, with an amendment, upon the adoption interests would not be known.

of which they recommend its passage; repo t concurred in amendment adopted, and the bill read a second and this

Bills on their Third Reading. A bill to limit the expenses of the Agent of State ; pass-

company; pased. A bill to incorporate the Hamilton manufactir ng com pany ; passed. A bill to incorporate the Noblesville and Northfield plank road company ; passed. A bill to repeal a part of a certain law therein named

A bill requiring an enumeration of the white male habitants of the State of Indiana; passed. A bill to repeal an act for the vication of a e rtain road A bill to establish an additional precinct in Mars town-

ware and Henry counties; pased A bill to provide for the more speely collection of the State sevenue, and tor the prompt payment of the interes the State debt; passed

A till for the benefit of John Green and T. T. Critten den; not passed-syes 17, nors 20, On motion, the Senate adjustmed. AFTERNOON SESSION. The Senate met. The resolution that the Senate will, the House concur-

ring therein, adjourn sine die, on Monday, the 7th day of January, was taken up. Mr flardin moved to strike out the 7th and insert the 21st Mr Winstandley moved to insert Wednesday, the 18th lost-aves 16, noes 30. Mr Morrison moved to insert the 16th; carried-aves noes 20; and the resolution as amended, was adopted.

Bills on their Third Reading. A bill to transfer the right of the State in the Northpor feeder dam to Noble county, for the use of common schools passed. A bill for the preservation of the Northport feeder dam

laid on the table Mr Rousseau moved to reconsider the vote by which the Senate refused to pass the joint resolution for the relief of James Galletly and others; carried-ayes 28, noes 18. And the question being, shall the joint resolution pass it was decided in the affirmative—ayes 23, noes 21. A bill for the more speedy completion of the Indiana hor

pital for the insane; pa-sed. A bill making an appropriation of \$2,000 for the purchas A bill to attach certain territory to the county of Black-Mr Buckles moved to recommit the bill to the committee

on the Judiciary, with instructions; lost-ayes 17, noes 24.

Mr Buckles moved to reconsider the vote by which the bill was ordered to be engressed for a third reading; lostayes 18, noes 23. The question being on the passage of the bill-passed ayes 24, noes 18. A bill to authorize justices of the peace in Poscy county to perform the duties of coroner in certain cases; passed. A bill to punish misdemeanors in Lafayette, Tippecano county; passed.

A bill to locate a State road in the counties of Clinton an A bill to regulate the fees of grand and petit juries certain counties therein named; laid on the table.

On motion, the Senate adjourned. HOUSE OF REPRESENTATIVES. MONDAY MORNING, Jan. 7, 1850. Petitions &c., Presented. By Messrs. Elder, Gessie, Weir, Whinery, Timbrook Huey, Caldwell, Defrees, Stoops, Farnsley, Cole, Murray, (by Mr. Murray, in relation to taxing lands sold since 1847,

Reports from Committees. By Mr. Mickle, a bill making general appropriations for Mr. Hicks reported back the bill amending the school law, confirming said law, in certain counties, with amendments;

which were concurred in, and the bill ordered to be en Mr. Edwards reported it inexpedient for Notacies Public to solemuize marriages; which was concurred in. Mr. Brown of S. reported back the bill, to create a sink-

ing fund to pay the public debt, by levying an additional tax of 5 cents for that purpose, as inexpedient.

Mr. Chandler hoped the House would not concur in report. The bill provided, in the first place, to redeem the State scrip, which was now only receivable for taxes. The

The report was concurred in. By Mr. Cravens, a bill explanatory of the 20th section o military law, so that companies receiving arms shall pay expenses of transportation; passed to a 2d reading. By Mr. Dodd, a joint resolution to enable the State of In diana to draw arms and equipments; passed to a 2d reading. He also reported against the expedincy of abolishing office of

3 times and passed. By Mr. Dougherty of E., a bill in relation to the Norther Division of the Central canal, authorizing the Governor to settle or compound with the lessees for rent. If this cannot be done within three months, then to employ counsel and institute suits, &c. He is funther authorized to sell the interest of the State in the canal, one fourth of the purchase money to be paid in hand and the remainder in - instalments, with good security, when one fourth of the purchase money is paid and the balance secured, the Governor to con vey the canal, the purcaser giving good security that all the engagements of the State shall be complied with in regard to the rights of the lessee. The canal to be sold within ten months from this date, by an advertisement of at least 60

The bill was read twice. Mr. Chandler moved to strike out all that part of the bill which authorizes the Governor to sell the canal. He doubtted the propriety of selling the canal, at least until there was a settlement with the lessees. Mr. Murray thought this the most desirable part of the

Mr. Dougherty of E. explained the provisions of the bill It provided for a full investigation and settlement of the whole concern. By investigation before the committee, it was considered that most of the claims of the lessees were

en county, against being attached to the county of Clay; as not to mjure the value of the caust in the eye of the purchasers. Mr. Chandler still hoped the part authorizing a sale would be stricken out. He did not believe the bill was sufficiently guarded, in reference to the guarantees of the State to keep up the canal. The security to be given might at the time be good, but might not long continue so. He thought the settlement with the lessees important, and if the Super-

intendant had performed his duty in collecting the water Mr. Prather wished to sell the canal, but was opposed to the provisions of the present bill. Mr. Dougherty of E. read the bill to show that it requited ample security. All objections might be remedied

by requiring security to be given from time to time. Mr. Murray moved to strike out of the bill all that relates to selling the rents of the canal now due. Mr. Dougherty of E. favored the amendment. This would leave the controversy between the lessees and the State to be settled by these parties, without reference t.

Mr. Murray withdrew the amendment for the present. Mr. Cole favored a sale of the canal and explained the provisions of the bill, providing for a settlement with the fer-sees. The canal was a continued expense, and if the State could get out of the scrape he would be willing to give

Mr. Dougherty of E. moved an amendment so that onl the rents to become due after the sale should be sold with the canal-leaving the cents up to that time to be settled Mr. Hunter said, that the canal would bring little or no thing at this time. He thought if the canal was properly

conducted it would yield a revenue. The rents now amount to \$5400, and the expenses, including a superintendent, need not be more than \$1000. The amendment of Mr. Dougherty of E. was adopted. The question was taken on striking out the section pro-viding for a sale of the canal, and decided in the nega-

Mr. Chandler moved to amend, so that the State should take for security a mortgage on the canal. Mr. Niblack moved to amend the amendment, so that the State shall not be compelled to take back the payment, by a foreclosure of the mortgage. Mr. Cole favored the last amendment, and he could but think, Good Lord deliver us from taking back the canal. He believed the les-ecs would always complain-the leases contained certain provisions in reference to furnishing water

believed the canal would never be available in the bands of the State; but in the hands of individuals might be worth something.
Mr. Lane moved the previous question, which being sue tained, the bill was ordered to be engrossed, and on motion of Mr. Wilson, the rules we e suspended, and the bill read a third time and passed.

Mr. Leviston reported a bill changing the mode of electing clerk and marshal of Teare Haute; which passed to

The bill to in-orporate the Covington Draw Bridge com-pany was read a 3d time and passed; al-o. The bill to amend the charter of the city of Richmond The bill to amend the charter of the Peru and Indiana-polis relicoad company, authorizing sale of 25 dollar shares as well as 50 dollar shares, &c.; also, The bill to amend the charter of the Milford and Colum-

bus Railwad company; Mr. Brown of R. reported back the bill to amend the charter of the Lewienceburgh and Rushville railroad, with an amendment, providing for a branch road from Greensburgh via St. Omer, Shelbyville and Pleasant view to Indianapolis, and also, for a road from Lawrenceburgh to the State line, in the direction of Cincinnati, and to Cincionati, if the right of way can be procured, or other ar

rangement made.

Mr. Hillis moved to amend by striking out the branch from Lawrenceburgh to Cincinnati; which was not adopted.

Mr. Prather hoped the amendmendment would not be adopted. It would interfere with another road, chartered from Cincinnati cumning down the Ohio river. This route Mr. Niblack said, that if this system were adopted, the

for 50 delegates, to be chosen at the August election, Mr. Elder moved that the amendment be laid upon the table; which motion prevailed, ayes 61, noes 35. Mr. Dougherty of B. moved to amend so that no person should be elected a Delegate unless eligible to a seat in the Legislature. Mr. Carr said, he wished to answer those gentlemen

would move a call of the House, which was ordered.

Mr. Brown of S. thought it due to his posi ion as a

he opposed it, not because it would injure the Madison

Jefferson urged that trade would flow to Cincinnati. Shoold

market where the best prices could be procured.

spend all our energies in the protection of one road.

AFTERNOON SESSION.

Mr. Lane favored the bill.

of building up those in other States.

and ordered to be engrossed:

tion of the Convention bill.

House adjourned.

the part of those who wished to be delegates, but might be prevented by the amendment. He contended, that if we proceed in our original capacity, under a vote at the last August election, and define the time and place of holding the election, that the delegate shall be a male, that the delegate he shall be white, that he shall be 21 years of age, that he county commissioners of Ohio county to come within he shall be white, that he shall be 21 years of age, that he shall reside one year in the State, all these are required in the bill, in strict accordance with the constitution; but when we wish to go a step farther, gentlemen start back with holy horror, with the declaration that we are coming in contact with the rights of the people. The Senate made all the restrictions he had alluded to, but when they came to the restrictions he had offered, they found they might prevent their own elections. He was in favor of throwing off the aristocratic feature that would permit the limits—this is fair; this is democratic. Let them settle the matter among themselves—let a majority in this new territory say what they want.

And now, sir, one word in regard to the gentleman from Marion, (Mr. Hunter.) I have thus far been woting with him and lending him such incidental aid as I conscientiously could in getting such measures throwing off the aristocratic feature that would permit the throwing off the aristocratic feature that would permit the through the House as he wished; and as his constit-officeholder, who might be interested in amendments of uents were interested in. But he has repaid me with the constitution, to participate as a delegate. He was in favor of those gentlemen throwing off their robes of office that they might stand on the broad platform of equality, if they wished to participate as delegates. Were gentlemen to lay aside their offices, there would be good reason to believe that they are uninfluenced by personal consideto believe that they are uninfluenced by personal considerations. He alluded to the clause of the constitution, on county are not interested, nor the State at large; which requires a vote of a majority of all the members none but those living in the valley of Laughery. He informs us by way of argument, and to predjudice tion. Here was a restriction contained in the constitution gentlemen against this bill, that this matter has often

for wise purposes. Equally should we regard the spirit of the constitution in the amendment he had offered.

Mr Spencer, at the outset, was disposed to favor the amendment; but a full investigation had induced him to change his mind, and he now was convinced that no rechange his mind, and he now was convinced that no re-striction should or could be placed as qualifications for delegates. He believed, with the gentleman from Lawrence, that all power, in reference to this matter, was inherent in the people, and could not be taken from them. Uce. Does the gentleman sup

tainly an officer under the constitution. He proceeded, not sustain the motion to recommit; but will now en-at considerable length, in support of the amendment, read-ing extracts from the constitution. ing extracts from the constitution to sustain his position.

Mr. Millikan had not intended to say a word on the subject. He had expected only to have attended to loas expressed on another occasion, he could not conscienthat had been expressed on this question. He was clearly with the gentleman from Lawrence, that the people had an unrestricted right to choose whom they pleased as

ral clauses of the Constitution to sustain his position. Mr. Butler moved to amend the amendment, so as to what will they not take next? What will be left us! the time ratio—one hundred and fifty members—and, providing, that no office-holder should take a sent as Delegate without forfaiting his office.

Mr. Cravens thought this amendment could not be adopted as it had been fully discussed and voted down in the Senate. He, however, was opposed to the position. make the number of Delegates equal to the number of

Mr. Hillis saw the horns of this bill sticking out—it gentleman from Lawrence. He believed office holders was to accomplish the same object with the Cincinnati should be restricted, unless they laid down their offices. road bill that had been laid upon the table. Make this Mr. Carr wished to set gentlemen right. If a Delegate road through to Cincinnati, and Lawrenceburgh would be be an officer under the Constitution, there is no more use but a sign post-the cars would all pass to Cincinnati. for this amendment than for the third wheel to a cart-

Pass this bill and the stock on several roads would be re- then why insert it ? It showed the gentlemen must doubt duced 25 per cent. The stock in the Edinburgh and Shelbyville road, now at par, would be worth little or nothing. Constitution would at once prevent them from taking their Cincinnati, with her overgrown capital, would swallow up seats. Every officer under the Constitution must, accordthe trade of central Indiana. The interest of the State ing to the Constitution, he sworn to support the Constituin the Madison road has been estimated at \$70,000 per tion but no such oath is required, for it would be inconsistannum. Pass this bill and it would be greatly depreciated. This bill would be far more disastrous in its effects ent with the duty of a delegate, whose first duty is to alter

than the bill laid upon the table, as it would encroach or amend that instrument. more closely upon the interests of other companies. He Mr. Helcomb moved that the amendments be laid upor the table.

On motion of Mr Robinson of D., the call was suspend- Mr. Wilson moved that the House adjourn-being late hour-which motion prevailed.

representative, to give his reasons for his course on this bill. When the Cincinnati bill was under consideration On Straightening the Line between Ohio and Dearborn Counties. road, but because it would interfere with other companies. Mr. Speaker:-I do not wish to make myself It appeared to be the course of some gentlemen to oppose troublesome upon this question, nor would I at this an eastern outlet in any direction. The gentleman from time detain the house a moment, were it not that a this be the case there must be some reason for it. The portion of my constituents, as well as the gentlemen from Dearborn, are deeply interested in this matter; branch road from his town towards Madison had not fully met public expectation. He was in favor of affording a and I hope the House will bear with me while making a statement of the wants and necessities of those con-Mr Carnahan of F, thought that it was the spirit of the cerned. The dividing line between these counties is age, that capital should be left unrestricted. Where works Laughery Creek, a stream noted for its serpentine will pay , they should be permitted. The policy of some meanderings and extreme crookednesss, and those gentlemen was that of Illinois; which was, to refuse the living along this creek, since the establishment of the right of way unless Alton be made a point. This policy same as the line, have been continually complaining had been condemned by the House. It was impossible to and importuning the Legislature to relieve them of prevent the growth of Cincinnati by an attempt to build the difficulty under which they labor. Their lands up Madison, and it was a policy not to be tolerated to are divided and they necessarily compelled to transact business connected with their farms, at Lawrenceburgh and at Rising San. A double inconvenience is Mr. Hillis said, there was already a road from Indianapolis to Richmond. This road was intended to destroy the stand the condition of these men, their locality, and the inconvenience under which they labor, I have no were so much interested. He considered it struck at the fear of the result. In addition to this, there is anothinterests of Jeffersonville, New Albany and Evansville, Ohio, when the White Water canal was in contemplation, er difficulty connected with this line as now establishrefused the right of way, and he, as a native Indianian, ed. It divides school districts and townships, and mixes our school matters with those of Dearborn was not willing to destroy our own cities, for the purpose county, and in this respect is a source of continual Before the question was taken on the amendment, the annoyance and vexation. There is substantial justice in this application; and out of respect to the rights of the injured, in my humble judgment, this bill

Mr. Holcomb, on leave, introduced a bill amending the should pass. The object of the motion to recommit road law, so far as it relates to Gibson county; read twice is to delay and finally defeat the bill; to prevent the aggrieved from having that redress which they so The House, according to order, renewed the considera- justly deserve. It is true they are but few; but I would ask gentlemen if they have no rights because Mr. Lane moved to amend, so as to provide for the they are in a minority ! Sir, I would ask gentlemen Senate apportionment, and that no person shall be eligible if an overwhelming majority are at liberty to oppress who is not eligible to a seat in the Legislature-providing a minority; to trample upon their rights? Such a position is wrong; 'tis monstrous injustice! Shall the people of the body of Dearborn county retain longer the power to oppress? No! If they are to, then those really interested will wait in vain, their progress have been unheaded, and their entreaties spurned with contempt by their own Representatives. who had planted themselves on the Constitution. He There is no other alternative for a redress of their wished by a few plain sledge hammer arguments to show grievances but to turn from their own to strangers : their error. He referred to the part of the Constitution for they came to their own and they knew them not. which authorizes a vote for calling a Convention. The Disregarding their interests, they relieved them not. first clause states that the vote shall be taken every twelfth But, sir, on the contrary at all times, and in all playear-but 1849 was not the twelfth year. The twelfth ces, have they manifested a settled determination to year would be 1852, consequently the clause would not oppress them and deprive them of their rights as citiapply; and, in the whole instrument, there is not a solita- zens of the State. It has been said that this question ry feature authorizing last year's vote; and the gentlemen's is agitated in Ohio county, and that the citizens here Constitutional argument must fall to the ground. He then turned to the first part of the Constitution where the people expressly reserve to themselves the right of amending and altering the Constitution. He then turned to the feature in the Constitution which declares that these rights are unalienable—that these rights, retained in the hands of the people, shall forever be inviolable. It was under authority of these retained powers, that the House was now sitting in judgment on this bill. If we are acting under the expressed letter of the Constitution, the Senate The question is agitated by them, and as a representahave violated their oaths by sending a bill here that does tive of the entire people of my district, I conceive it to not require Delegates to be sworn to support the Consti- be my duty to carry out their wishes, especially, when they are so reasonable and when no injury is or He asked, whether the people were bound to vote on can possibly be done to others. It has been said by the question of the Convention? Certainly not. They the gentleman from Dearborn (Mr. Watkins.) whom expressed that will freely, and the Constitution conse- I am proud to claim as a friend, and for whose talent quently, had nothing to do with it. He referred to the and ability, I have a high opinion, that the committee manner of changes of government in this country—they were not effected by the clang of srms or the clash of mit it; has now wrong been done him or his constitusteel; but by the silent movement of the people. If we had to be governed by the Constitution, no movement could be made except in '25' 40, '52, and so on. With regard to the term "old hunkers" that had been so freely composed of the gentleman himself, his colleague, used, or "young hunkers," it was only a question of time. with the members from Ohio. Switzerland, and Floyd, He had been in both branches of the Legislature some This I conceived I had a right to do; and I now apnine years. The gentleman had not been so long a member; but it appeared he was in a fair way of being one, if he (Mr. Carr) was entitled to such an appellation. For his own part he cared not by what name he was called; he had always been sent here by the voice of the people, committee. The extreme sensitiveness of the gen-and that voice would never be stifled by any act of his. tleman from Dearborn upon this subject has led me to He was contending for the reserved powers contained the conclusion that he desired to smother the bill in in our Constitution; for the principles of that master piece committee. In other words, that he feared a delibeof man, second only the works of God himseif, the Declaration of Independence. He did not stand here to advocate the election of Supreme or Circuit judges, or any other class of individuals, but he stood here as the advocate of the people to choose their Delegates without any restrictions. He believed the people had the power to amend the Constitution; but that was a power not defined in the Constitution; but reserved as a sovereign right of spare it. She has over 300 square miles, and Ohio the people. He hoped the bill would pass, as it came c unty, with this addition will have less than from the Senate. The senate is usually called the aris- 100,—will still be by far the smallest county in tocratic body; but we were about to reverse the order, as the State. But I do not put it upon this ground. generally defined, by imposing restrictions on the peo- As a county we do not ask it. We are very well sat-Mr. Dougherty of B., wished to occupy a few moment's We should of course appreciate our importance if we time before he and those who thought with him, were entirely crushed by the car that was rushing over them. He knew when he offered this amendment, that he was rushing into a hornet's nest, and before the proposition had have been presented from either Ohio or Dearborn been offered half an hour, the corners of the streets, in counties at this session. I said to those interested this city, witnessed several aristocratic conversations on that none were needed. I have so framed the bill as

The constitution requires a vote every twelve years—but a vote may be taken at any other time, and when so taken, the legislature was bound to follow the constitution in carrying it out. No clause in the constitution describes the qualifications of a delegate, and to his mind the right of judgment in this matter is reserved to the people.

Mr. Alley said, that it has been a subject of much thought, whether a vote could be taken at any other time than the twelfth year, to amend the constitution. It was finally determined that it could. The idea that the necessary is and down trodden people will be led quietly to the slaughter without a murmur? Such he may represent, but I do not; and I now tell this House that if it wishes to rid the State of this vexatious matter, it must respect the rights of these citizens, by straightening this line. It must be done, and it may as well be done now as at any other time. When Ohio county was created by the Legislature, these citizens finally determined that it could. The idea that the peo-ple could arise, regardless of law or the constitution, and take a vote for a convention, was without argument, un-strance was unheeded. This inconvenience was less the people were thrown into a revolutionary state.
This being a correct view of the matter, the provision of the constitution preventing men from holding two lucrative offices, must be in force, for a delegate is most certain the moved; and now is the time. I hope the House will

> MESORS, CHAPMANS & SPANN :- In my published remarks on the White Water bill, where \$2 000,000 occurs, it should JAS. P. MILLIKEN.

bad an unrestricted right to choose whom they pleased as had an unrestricted right to choose whom they pleased as tised in the newspapers. This gradual invasion of the transfer of the property to be looked to Punce has seen with alarm "ladies' vests" adver-Delegates. He, however, was opposed to office-holders tised in the newspapers. This gradual invasion of being Delegates, and believed they would torfeit their offices should they take their sents as such, and read sevethey now seize upon vests. Gracious goodness!